

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION

4 UNITED STATES OF AMERICA,

5 Government,

HONORABLE GEORGE CARAM STEEH

6 v.

No. 15-20652

7 ARLANDIS SHY, II,

8 Defendant.  
9 \_\_\_\_\_/

10 DETENTION HEARING

11 Thursday, December 8, 2016  
12 - - -

13 APPEARANCES:

14 For the Government:

RAJESH PRASAD, ESQ.  
Assistant U.S. Attorney

15 For the Defendant:

MARK MAGIDSON, ESQ.  
16 - - -  
17

18 *To Obtain Certified Transcript, Contact:*  
19 *Ronald A. DiBartolomeo, Official Court Reporter*  
20 *Theodore Levin United States Courthouse*  
21 *231 West Lafayette Boulevard, Room 1067*  
22 *Detroit, Michigan 48226*  
23 *(313) 962-1234*

24 *Proceedings recorded by mechanical stenography.*  
25 *Transcript produced by computer-aided transcription.*

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Detention Hearing

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Detroit, Michigan  
Thursday, December 8, 2016

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**THE CLERK:** Case Number 15-20652, United  
States versus Arlandis Shy.

**MR. PRASAD:** Good afternoon, your Honor. Raj  
Prasad for the United States.

**THE COURT:** Welcome.

**MR. MAGIDSON:** Good afternoon, your Honor.  
Mark Magidson on behalf of Mr. Shy who is seated here at  
counsel table.

**THE COURT:** Welcome. This is your motion,  
right?

**MR. MAGIDSON:** Yes, your Honor. I would like  
to begin, I subpoenaed a witness, a probation officer from  
Macomb County, who if the Court would indulge me maybe  
five minutes, I could give the Court insight as to his  
adjustment to probation while she was supervising him just  
before his arrest.

**THE COURT:** I see. Okay. Any objection Mr.  
Prasad?

**MR. PRASAD:** No.

**THE COURT:** All right. Call your witness up.

**MR. MAGIDSON:** I would like to call Bonnie

1 Phillips to the stand.

2  
3 B O N N I E P H I L L I P S  
4

5 being first duly sworn by the Court to tell the truth, was  
6 examined and testified upon her oath as follows:  
7

8 THE COURT: Again, please state your name and  
9 spell your last name.

10 THE WITNESS: Bonnie Phillips,  
11 P-h-i-l-l-i-p-s.

12 THE COURT: All right. You may proceed.  
13

14 DIRECT EXAMINATION  
15

16 BY MR. MAGIDSON:  
17

18 Q. Ma'am, are you currently employed?

19 A. I am.

20 Q. With whom?

21 A. Department of Corrections.

22 Q. And in what capacity?

23 A. Probation Officer, 16th Circuit.

24 Q. As part of those duties, did you come in contact  
25 with the defendant in this case, Mr. Arlandis Shy?

1           A. I did.

2           Q. Were you supervising him?

3           A. I was.

4           Q. Okay. And for what period of time?

5           A. From August 2015 until he was arrested, I think in  
6 February or March of 20 -- wait. From August 2015 until I  
7 think, February or March of 2016.

8           Q. All right. And let me just ask you a couple of  
9 things.

10                     First of all, during the time that you were  
11 supervising him, was there for a controlled substance case  
12 in Macomb County?

13           A. I think so. You know, that's one note I didn't look  
14 at. I think it was.

15           Q. And he was --

16           A. Yeah, it was a prescription -- possession. Yes, I  
17 do recall.

18           Q. And he was given a probationary sentence at that  
19 time?

20           A. Yes, two years.

21           Q. During the period of time that you supervised him,  
22 did you notice any change in his behavior or progression?

23           A. Very much so. A lot of progress.

24           Q. Can you tell the Judge exactly what you observed?

25           A. Well, we didn't start out on a very good foot. He

1 had a little bit of an attitude. The first day I met him  
2 I had to give him a jail sanction. It was over some  
3 miscommunication between Corrections. We had a little  
4 talk. He did his three days, and every time I saw him,  
5 his attitude just got better and better. It was more  
6 positive. So everything -- everything he ever did was  
7 very accountable, very truthful about, and he took his  
8 punishment.

9 Q. Let me ask you this, were you aware whether or  
10 not -- was one of his conditions of his probation that he  
11 either had to be in school or working or both?

12 A. Usually it's either they got to be in school. I  
13 know that the judge wanted him to get his GED.

14 Q. And to your knowledge was he working on that?

15 A. He was. He just passed social studies, and he was  
16 just waiting on the math portion. He had taken it, and he  
17 was off by six points. He was looking forward to retaking  
18 it.

19 Q. You were supervising that GED progress?

20 A. Yes, I was supervising all of his progress work.

21 Q. All right. And when he passed, how did he seem to  
22 appear when he passed the first part?

23 A. Even when he failed, he was very proud of himself.

24 Q. Do you know during this time whether he was working?

25 A. He was working for a temp agency. I know one

1 assignment he stopped because it was too many nights, and  
2 it was getting in the way. He always worked.

3 Q. Do you know whether he worked in Detroit or Macomb  
4 County?

5 A. I don't recall.

6 Q. Were you aware of a time that he indicated that he  
7 wanted to move to Macomb County?

8 A. He was already in Macomb County when I was  
9 supervising him.

10 Q. Did you pay a visit at his Macomb County place?

11 A. I did on two different occasions.

12 Q. And you found him there?

13 A. The first one I got verification from someone else  
14 in the complex, and second time yes, he was actually  
15 there.

16 Q. You were satisfied that he was in place so to speak?

17 A. Yes.

18 Q. Did you know -- did you have any knowledge or  
19 information that he had grandparents living in Detroit?

20 A. Yes.

21 Q. Did you ever meet them?

22 A. I did.

23 Q. Did you get to meet his mother?

24 A. I did.

25 Q. Did you meet his aunt?

1           **A.** I had spoken to her.

2           **Q.** How would you describe his relationship with his  
3 family?

4           **A.** Very supportive.

5           **Q.** Did you make any determination from your own  
6 observations whether he was involved in any type of gang  
7 activity?

8           **A.** No, I was aware there were friends that were. I  
9 know that he was at a party with some known members, and  
10 he did have to pay for that. He got violated, and we had  
11 a long discussion about it, and he was very honest.

12          **Q.** When you say that he got violated, what was he  
13 violated for?

14          **A.** He in a car with someone who had thrown a gun out  
15 the window. He ended up with no charges against him, but  
16 he got violated through our court for the association.

17          **Q.** Association with somebody with a felony record?

18          **A.** Yes.

19          **Q.** But he was not charged with a gun or anything of  
20 that nature?

21          **A.** No, the person in the car who had the gun actually  
22 confessed to it.

23          **Q.** Okay. If he were released on bond or some  
24 conditional bond, is he still on probation to you?

25          **A.** Yes.



1 Q. He would report to you?

2 A. Twice a month.

3 Q. So he's not off the hook?

4 A. No.

5 Q. Does he still owe you the six points on the math  
6 test?

7 A. He does.

8 MR. MAGIDSON: I don't have anything further.

9 THE COURT: Thank you, counsel.

10

11 CROSS EXAMINATION

12

13 BY MR. PRASAD:

14

15 Q. Ms. Phillips, he actually began probation with  
16 Macomb County prior to your supervision, correct?

17 A. Correct.

18 Q. Initially when on probation with Macomb County, he  
19 had an urinalysis violation in July?

20 A. He had one violation due to them asking him to do a  
21 BPT, and he refused. We discussed it. He did his  
22 sanction, and that was it.

23 Q. He didn't mention that he had multiple sanctions or  
24 multiple punishments that he had to account for while on  
25 probation with you?

1           A. He had a couple of minor --

2           Q. Correct?

3           A. Uh-huh.

4           Q. And there was also that violation that we're talking  
5 about when he went to the party in September?

6           A. Yes, that was the only violation. The sanction for  
7 the refusal of the BPT was not considered a violation.

8           Q. Ms. Phillips, you indicated that the person who had  
9 the gun confessed to it?

10          A. Yes, they admitted to it. So Mr. Shy was never  
11 charged with it.

12          Q. Okay. I hate to quibble with you, the other person  
13 pled guilty at court. They never confessed to it.

14          A. I'm sorry. You're correct. Pled guilty.

15          Q. You understand the difference?

16          A. I do.

17          Q. Okay. And you indicated that in your experience  
18 there wasn't any real -- you didn't notice any gang  
19 activity or gang connection, correct?

20          A. I didn't notice any gang activity.

21          Q. You were supervising Mr. Shy for approximately six  
22 months?

23          A. From August, yes.

24          Q. And you met with him multiple times?

25          A. I did.

1 Q. Are you aware of the tattoos that he has?

2 A. Just in paperwork, yes -- well, actually no. I  
3 don't know about his tattoos.

4 Q. You're not familiar with the one that he has on his  
5 forearm?

6 A. No.

7 Q. Do you know the name of the gang that we're talking  
8 about here?

9 A. I heard.

10 Q. Sure. What have you heard?

11 A. Seven Mile Bloods.

12 Q. Okay. And you're not familiar whether or not he has  
13 Seven Mile on his forearm?

14 A. I don't recall.

15 Q. Okay. When you actually -- when this case in Macomb  
16 County actually started, at that time he was -- when he  
17 was arrested on the Macomb County case, he was on  
18 probation in Wayne County in Third Circuit, wasn't he?

19 A. I don't recall.

20

21 MR. PRASAD: Okay. No further questions.

22 THE COURT: Okay. Thank you, ma'am. You can  
23 step down.

24

25 (Witness excused.)

1                   **MR. MAGIDSON:** Nothing further, your Honor.

2                   **THE COURT:** Thank you.

3                   **MR. MAGIDSON:** Judge, I would first  
4 acknowledge that there are family members here in court.  
5 My client's mother, Felicia Roach, his aunt -- I believe  
6 her name is Chiquita Roach -- and Ms. Stevens his  
7 grandmother.

8                   I say that because he has very, very strong family  
9 ties, and he gave me -- and I have not looked through  
10 these -- they send him correspondences. He's been locked  
11 up for eight months. He gets a letter or card almost  
12 once -- he's up in Sanilac, and the family cannot get up  
13 to see him because of the distance, but they send him  
14 letters and cards constantly.

15                  He has very strong family ties. He has lived in  
16 the Eastern District all of his life. He was raised on  
17 the east side of Detroit on Rosemary Street where he met a  
18 lot of people who are the co-defendants in this case.

19                  And I think part of the confusion, because I had  
20 the opportunity to go through the transcript, and I raised  
21 it in the motion as well, during this time -- when I say  
22 during this time -- just prior to his arrest while he was  
23 on probation in Macomb County, he was working with a temp  
24 agency in Macomb County, and as this Court is aware,  
25 there's a lot small parts, plants, along that Schoenherr

1 corridor in the Clinton Township area, and he was assigned  
2 there, different places, and it was a lot when he --  
3 easier, closer to where he worked if he stayed with his  
4 aunt. His mother actually moved up there as well, and  
5 that's where he was, and I think Ms. Phillips verified  
6 that.

7 Now he didn't work every day because he didn't get  
8 called every day, and his aunt worked. He didn't have a  
9 car, and so the days that he didn't work, his grandmother  
10 or grandfather would come and get him, and he would be  
11 down there on Rosemary in Detroit, and he would help his  
12 grandparents out. His grandfather will be 79 tomorrow.  
13 He's still working as a master mechanic, and he thinks he  
14 can do everything, but he can't. You know, he lifts a  
15 tire or do whatever. Arlandis helps him out, and he helps  
16 his grandmother, and they like having him around.

17 So that's where he was when the police within  
18 looking for him, the agents within looking for him. On  
19 that day they searched his aunt's house in Clinton  
20 Township. He wasn't there. Therefore, he's missing.

21 Now he didn't keep a lot of clothes there because  
22 he didn't have a bedroom there. He slept on the couch,  
23 and that was verified in one of the papers. His mother  
24 was staying there. He aunt was staying there. It was a  
25 single bedroom apartment, and the aunt had a daughter, his

1       cousin that was staying there. So he slept on the couch.  
2       He had a couple of work clothes, and most of his things  
3       stayed in Detroit.

4               But the point is, the day that he -- that the  
5       agents went looking for him in Clinton Township, his aunt  
6       called him and said, look. They are looking for you. He  
7       immediately self-surrendered -- and I forgot to ask her to  
8       verify -- but he turned himself to Ms. Phillips in the  
9       Macomb County Probation Department immediately, and his  
10      mother took him right there. He called his mother and  
11      that was it. So there's that level of cooperation and so  
12      forth.

13             So the issue that we have here, what is the danger  
14      to society, because that's one of the things that the  
15      Court has to look to. He's charged with very serious  
16      charges. We're not claiming that, but as this Court knows  
17      some of the defendants are death penalty eligible.  
18      There's murders claimed and so forth. That's not Mr. Shy.  
19      He doesn't fit into that situation. He's charged on a  
20      RICO conspiracy claim where he's looking at 20 or 25 years  
21      I believe, and using a firearm in furtherance of this type  
22      of felony. He's charged with a mandatory five year  
23      conceivably to life sentence.

24             So the charges are serious. I'm not minimizing  
25      that, but if we look at this man's history, he's got three

1 prior felonies, one from 2007, a drug conviction that was  
2 ultimately dismissed under HYTA. He was between 17 and 21  
3 at the time. He then he had another case, attempted CCW  
4 out of Wayne County Circuit Court, and then this final  
5 case in Macomb County where he used an altered  
6 prescription to try to get some penicillin or something  
7 like that, and that was an attempt case there. All three  
8 cases he received probationary sentences. He didn't --  
9 he's never served time in prison. He's never been  
10 sentenced to jail. I think he got three days for not  
11 taking -- for violating -- or not complying with the  
12 probation's request to take a portable breath test.

13 So according to Ms. Phillips, he was making  
14 substantial progress. He was getting his GED. He's  
15 working. He was doing all the right things just prior to  
16 this arrest.

17 The government in their indictment talks about  
18 things that he's done in 2007, nine years ago. He was  
19 arrested twice in West Virginia. He was not convicted.  
20 One time he had marijuana. Another time it was alleged  
21 that he had oxycontin. Both of those charges were  
22 dismissed. They are old. There are other allegations  
23 that he was part of a crew or something, but nothing ever  
24 developed from that.

25 All I can tell you this, Judge, is that there are

1 conditions that this Court can impose to show that -- to  
2 assure the community's safety, and to assure his  
3 appearance. There's never been a history of capias  
4 whatsoever. As soon as he found out that he was wanted by  
5 the government, he self-surrendered.

6 I've attached to my papers a series of letters,  
7 lot of them are from family members. Some of whom are  
8 here, and -- but two of the letters out of the multiple  
9 letters that I've attached to me demonstrate this young  
10 man's character, and the one letter is from the employer.

11 I sent my investigator out to the staffing place.  
12 I said just get a verification that he worked there, and  
13 she said Arlandis Shy? I know him, and she volunteered a  
14 letter on her own, which the Court has and has an  
15 opportunity to read. This went on and said that this guy  
16 was one of the most dependable people. She relied upon  
17 him. He was a good character, and he was a person that  
18 when he said he'd show up for work, he showed up for work  
19 and did what he was told to do. She said in her view that  
20 speaks volumes because she deals with hundreds of people a  
21 month or a week -- I forgot what she said -- and he stood  
22 out as a positive, and that to me says who he is.

23 The second thing, the other letter that I found  
24 remarkable is a letter from Kinesha Thomas. This is a  
25 former girlfriend, and when they first met years ago, she



1 had year or two year old daughter. It was not his. It  
2 was from another relationship. Her name is Isabella.  
3 Isabella's father had abandoned her. This young lady  
4 started going out with Mr. Shy, and Mr. Shy fell in love  
5 with this little girl, and he adopted her, not legally.  
6 He didn't go through the court, but emotionally, and he  
7 brought her into his heart and family, and his whole  
8 family then had to adopt her, and welcomed her, and they  
9 treated her as if it was his own biological daughter.

10 But then -- and I know the Court is familiar with  
11 family law based on prior experience -- usually in cases  
12 like this, people try -- they're fighting over kids and  
13 things like this, using kids against each other -- he  
14 breaks up with -- they break up. It happens after two,  
15 three years. He breaks up with Ms. Thomas, but he doesn't  
16 abandon this child, because there's only one person that  
17 this little girl calls daddy, and that's Mr. Shy.

18 And so they break up, and he still not only sees  
19 her, this girl stays with him for days, weeks at the end  
20 with the family, and to this day this girl -- they were  
21 extremely close -- are extremely close, and she misses her  
22 dad very, very much.

23 So the issue then becomes, is he a danger to  
24 society? Is he something that we have to keep locked up  
25 to protect society, and the short answer is no. There's

1 nothing here in this person's character or in this  
2 person's demeanor. Everything that we've heard or what's  
3 been said about him is positive from the probation officer  
4 who has supervised for not a long time, but certainly long  
5 enough, longer than -- she got to know him more than any  
6 of us. All of these other letters that know him, that  
7 have had contact with him, only positive things, and they  
8 go beyond positive things.

9 Yes, he has prior felonies, but I would submit to  
10 the Court they are nonviolent felonies. The court -- the  
11 state court has deemed that he is probationable, he was on  
12 probation, and he was doing well on probation in Macomb  
13 County because he was almost completed his GED, and was  
14 working, and was doing the right thing.

15 And so will he return to court? We only have --  
16 there's been no history of capiases on any of his cases,  
17 and the only other record that we have is when the  
18 police -- when he found out that the police was looking  
19 for him, what did he do? He didn't try run or hide. He  
20 immediately self-surrendered. So that's the record that  
21 we have of Mr. Shy.

22 **THE COURT:** All right.

23 **MR. MAGIDSON:** So my request is this, he's  
24 been locked up for eight months. He's got no problems  
25 where he's been locked up in terms of where he's gotten in

1 fights. I'm saying to the Court you can let him out. You  
2 can put him on a tether. He's got a place to stay. He's  
3 got family here. I would say that he would stay with  
4 his -- back at his grandparents home. He would stay  
5 wherever the Court orders, but he has people that will be  
6 there and vouch for him. If you put him on a tether, he  
7 can call in once a day, supervise him, and he's got  
8 another supervisor, Ms. Phillips, where he will be doubly  
9 supervised.

10 **THE COURT:** Okay.

11 **MR. MAGIDSON:** Thank you. Unless you have  
12 any questions?

13 **THE COURT:** Thank you. Mr. Prasad?

14 **MR. PRASAD:** Your Honor, I can appreciate Mr.  
15 Magidson wanting to focus on Mr. Shy's more recent  
16 behavior on probation for the last six months of probation  
17 in Macomb County. I can also appreciate the fact that Mr.  
18 Shy perhaps was doing better for the first time on  
19 probation for the last six months in Macomb County, but  
20 this indictment is not limited to the last year. This  
21 indictment goes back to 2004, and Mr. Shy's criminal  
22 history is not limited to the last year. It starts back  
23 in 2007.

24 And I think the fundamental difference between Mr.  
25 Magidson's argument and my argument that I indicated in my

1 response to the Court was in listing out the criminal  
2 history of this defendant, because as the Court reviews  
3 the criminal history of this defendant, and as I tried to  
4 lay it out in a clear format -- these are Pages 4 and 5 of  
5 my reply, starting with Page I.D. 1779 -- is that this  
6 defendant consistently from 2007 onwards has been on  
7 probation and in violation of his probations.

8 Starting in 2007 with the 2007 offense, he was  
9 originally given Holmes Youthful Trainee Act, but here is  
10 where I disagree with defense counsel. He was violated,  
11 and he was revoked on Holmes Youthful Trainee Act for that  
12 case in 2009, August 2009. What happened in the interim  
13 while he is on probation from the 2007 offense, from 2008  
14 through August 2009, he's arrested twice in West Virginia.

15 So counsel is correct that there's been no capias  
16 history perhaps, no specific capias order in this case,  
17 but while on probation out of the Third Circuit of  
18 Michigan, he's being arrested for narcotic offenses in  
19 West Virginia on two different occasions.

20 Counsel tries to argue that the Court should not  
21 look at either the 2007 offense because he completed  
22 Holmes Youthful Trainee, which he did not, he was revoked  
23 on that, or the Court should not look at the 2009 arrest  
24 in West Virginia because the state chose not to charge him  
25 there. Those 2009 offenses, your Honor, are specific

1 overt acts in our case, in our RICO conspiracy case, in  
2 which Count 1 the defendant is charged. There is  
3 specifically Overt Acts 77 and 82. He is going -- there  
4 is going to be evidence clear to those offenses, and those  
5 offenses go straight in line with the activities of the  
6 Seven Mile Bloods in this time period, especially in the  
7 middle time period of 2008 onwards to present where much  
8 of the finances of the Seven Mile Bloods and how they were  
9 financing their organization was through interstate travel  
10 and the interstate trafficking oxycontin pills and other  
11 types of opiate pills purchased in Detroit, transported  
12 through the Greyhound bus system, and sold in West  
13 Virginia, both occasions where the defendant was arrested  
14 in 2009 in West Virginia when he was transporting himself  
15 down on Greyhound buses, where he was found in one  
16 location in Charleston, West Virginia, hiding in a  
17 bathroom of a house that had drugs and money in it.

18 On the other occasion, he was found in a vehicle  
19 driven by a female, and he did not know after he was  
20 picked up from the bus station, and 300 oxycontin pills  
21 were found in the back floor board behind the front seats.

22 Your Honor, so this defendant's actions from 2007  
23 to 2009 show a pattern of violating probation.

24 Then we go to 2013 when he is arrested with a gun  
25 in the Red Zone in Detroit. In that situation, police

1       come. He flees from the police, jumps over a series of  
2       fences before he's finally caught with the 9-millimeter  
3       loaded firearm. He pled guilty to attempt CCW in that  
4       case. He's placed on probation in that case in 2013. He  
5       violates his probation in 2014. His probation is  
6       extended -- continued to be extended. His probation was  
7       closed in April 2015 only after he had been arrested in  
8       Macomb County on the charges for which he was placed on  
9       probation for in Macomb County.

10               Continuing this pattern as Judge Stafford called  
11       it at the original detention hearing from the point of  
12       being placed on probation in 2013 to a continuous  
13       violation of probation, whether 2014 for technical  
14       violations or 2015 for committing new criminal offenses.

15               He pleads guilty to those offenses in Macomb  
16       County, and then placed on probation. What happens when  
17       placed on probation? Well, September 2015 they have the  
18       Block party in honor of Devon McClure, one of the deceased  
19       founders of the Seven Mile Bloods. This defendant goes  
20       there -- and this is a quick aside -- he, like many  
21       members of any of the long standing members of the Seven  
22       Mile Bloods, has a Seven Mile tattoo on his forearm like  
23       other members in this indictment.

24               This defendant goes to the Block party that is at  
25       the strip club -- I tried to put this in kind terms. It

1 was not some sort of peaceful honorary for Mr. McClure.  
2 It wasn't a candlelight vigil. This was an actual party  
3 at a strip club where Seven Mile Blood members attended,  
4 some coming from out of state. The FBI was, in fact,  
5 watching that party. Different people left in different  
6 groups, including this defendant driving three other Seven  
7 Mile Blood members in his vehicle. The law enforcement  
8 stopped different vehicles. Different vehicles were  
9 stopped with firearms.

10 This defendant's vehicle that he was, in fact,  
11 driving, as law enforcement pulls in behind him, the front  
12 seat passenger Andrew Thomas tosses out a gun out of the  
13 front seat passenger window in a residential window.

14 It's not that Mr. Shy stops right then and there.  
15 It was that Mr. Shy continues to drive through the  
16 residential neighborhoods, down several more blocks before  
17 he's finally distancing himself away from where the gun  
18 was thrown out, and that's where he stops for law  
19 enforcement to come and effect the stop and arrest  
20 Mr. Thomas.

21 As indicated earlier by both defense counsel and  
22 myself with the questioning, Mr. Thomas later subsequently  
23 in an unrelated case pleads guilty to felon in possession  
24 of a firearm.

25 My ultimate argument in this case with regards to

1 Mr. Shy is that I strongly disagree with Mr. Magidson's  
2 review of Mr. Shy's criminal record. In this time period  
3 of this racketeering indictment, in the four different  
4 overt acts that this defendant is charged with, we have a  
5 clear pattern that Mr. Shy is an active member of the  
6 Seven Mile Bloods, engaged in both the narcotics aspect of  
7 the Seven Mile Bloods, and also possessing firearms in  
8 2013 as to fit in with the rest of the activities of the  
9 Seven Mile Bloods.

10 I'm arguing, your Honor, both that he is a flight  
11 risk as shown by his ability to go to West Virginia in  
12 2009 while on probation out of the Third Circuit in  
13 Michigan, and also that he is a danger to the community by  
14 his continuous failure to comply with probation. Even  
15 when in Macomb County as his current probation officer  
16 believes he is doing well, he's still in violation by  
17 driving around with Seven Mile Blood fellow members while  
18 one of them tosses out a gun. That is why your Honor I  
19 believe the Court should maintain the detention in this  
20 case.

21 **THE COURT:** Thank you. Do we have anybody  
22 from Pretrial Service?

23 **PRETRIAL SERVICE OFFICER:** Yes, your Honor.  
24 Tom Nugent.

25 **THE COURT:** Is it accurate to say you're



1 recommending to continue detention?

2 **PRETRIAL SERVICE OFFICER:** Yes, your Honor.  
3 We're not changing our recommendation.

4 **THE COURT:** Okay. Do you see any changes in  
5 the situation since this decision was last made?

6 **PRETRIAL SERVICE OFFICER:** No, your Honor.

7 **THE COURT:** Okay. All right. Well, I can  
8 appreciate the defense counsel concerns. Eight months is  
9 a long time to be held on pretrial conditions. At some  
10 juncture -- I don't know what the advisory guideline range  
11 is in the event of a conviction in this case -- but I'm  
12 sure at some point we going to be up against the low end  
13 of advisory range that might affect the Court's continuing  
14 the detention order.

15 At this point the Court is satisfied that the  
16 detention order should continue for the reasons that were  
17 earlier stated by Magistrate Judge Stafford in review of  
18 this defendant's position. Time does have a way of  
19 changing things, but at this point the Court is not  
20 satisfied to safely release, and not be flight risk.

21 So the Court will continue detention order.

22  
23 (Proceedings concluded.)

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C E R T I F I C A T I O N

I, Ronald A. DiBartolomeo, official court reporter for the United States District Court, Eastern District of Michigan, Southern Division, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript has been prepared by me or under my direction.

s/Ronald A. DiBartolomeo

December 3, 2019

Ronald A. DiBartolomeo, CSR  
Official Court Reporter

Date